

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DOSTER LIGHTING INC.
on behalf of itself and all
other similarly situated,

Plaintiff,

v.

Case No. 12-C-0023

E-CON0LIGHT LLC ,

Defendant.

ORDER GRANTING MOTION TO STRIKE (DOC. 59), DENYING AMENDED MOTION
TO CERTIFY CLASS (DOC. 28), AND SETTING STATUS CONFERENCE

On July 30, 2013, Doster Lighting, Inc. filed a notice of supplemental authority regarding a recently issued Sixth Circuit opinion, *Glazer v. Whirlpool, Corp. (In re Whirlpool Corp. Front-Loading Washer Prods. Liability Litigation)*, 722 F.3d 838 (6th Cir. 2013). This court appreciates citations to recent authority, especially cases that were discussed in their briefs or at oral argument. However, the notice of supplemental authority filed by Doster goes beyond citation and perhaps a minimal reference to the opinion, and provides substantial argument about the case. E-Conolight LLC moves to strike the notice or, in the alternative, for permission to respond. After consideration of the parties' submissions on the motion to strike,

IT IS ORDERED that E-Conolight's motion to strike (Doc. 59) Doster's surreply (titled as a notice of supplemental authority) is granted. However, the court notes the citation and will consider the *Whirlpool* case in deciding the motion for class certification.

IT IS FURTHER ORDERED that Doster Lighting Inc.'s Amended Motion for Class Certification (Doc. 28) is denied. A written decision will issue shortly.

IT IS FURTHER ORDERED that a telephonic status conference is set for November 5, 2013, at 2:00 p.m. The parties should notify the court in writing regarding which attorneys should be contacted for the conference. In the event more than three attorneys will appear at the telephone conference (in addition to the court), the court asks plaintiff's counsel to arrange the conference call.

Dated at Milwaukee, Wisconsin, this 30th day of September, 2013.

BY THE COURT

/s/ C.N. Clevert, Jr.
C.N. CLEVERT, JR.
U.S. DISTRICT JUDGE